

Article - Real Property

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§8A-1703.

(a) When a rental agreement provides that the park owner may repossess the premises if the resident breaches the rental agreement, and the park owner has given the resident 1 month's written notice that the resident is in violation of the rental agreement and the park owner desires to repossess the premises, and if the resident or person in actual possession refuses to comply, the park owner may make complaint in writing to the District Court of the county where the premises is located. The court shall summons immediately the resident or person in possession to appear before the court on a day stated in the summons to show cause, if any, why restitution of the possession of the leased premises should not be made to the park owner. If either of the parties fails to appear before the court on the day stated in the summons, the court may continue the case for not less than 6 nor more than 10 days and notify the parties of the continuance.

(b) If the court determines that the resident breached the terms of the rental agreement and that the breach warrants an eviction, the court shall give judgment for the restitution of the possession of the premises and issue its warrant to the sheriff or a constable commanding him to deliver possession to the park owner in as full and ample manner as the park owner was possessed of the same at the time when the rental agreement was entered into. The court shall give judgment for costs against the resident or person in possession. Either party may appeal to the circuit court for the county within 10 days from entry of the judgment. If the resident (1) files with the District Court an affidavit that the appeal is not taken for delay; (2) files sufficient bond with one or more securities conditioned upon diligent prosecution of the appeal; (3) pays all rent in arrears, all court costs in the case; and (4) pays all losses or damages which the park owner may suffer by reason of the resident's holding over, the resident or person in possession of the premises may retain possession until the determination of the appeal. Upon application of either party, the court shall set a day for the hearing of the appeal not less than 5 nor more than 15 days after the application, and notice of the order for a hearing shall be served on the other party or his counsel at least 5 days before the hearing. If the judgment of the District Court is in favor of the park owner, a warrant shall be issued by the court which hears the appeal to the sheriff, who shall execute the warrant.

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